

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

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WEDNESDAY, THE TWENTYSEVENTHY DAY OF JULY
TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION No.16421 OF 2005

Between:

Beauty Green Farms AP Pvt.Ltd.,

Represented by its: Managing Director,

Mr.B.L.Narsa Reddy ... Petitioner

Versus

The Revenue Divisional Officer,

Chevella, Rangareddy District and Anr. ... Respondents

Counsel for the Petitioner: Mr.C.SRINIVASA BABA (1307)

Counsel for the Respondents: GOVT.PLEADER FOR REVENUE

ORDER:

This writ petition is filed seeking mandamus on the ground that the respondents are interfering with the peaceful possession of the petitioner's land in an extent of Acs:22-23 guntas situate in survey no.86 and 87 of Sultanpalli village of Shamshabad Revenue Mandal, Rangareddy district, without following due process of law, as illegal, arbitrary, violative of Article 309 of the Constitution of India and consequently direct the respondents not to dispossess the petitioner from the

aforesaid extent of land.

The petitioner herein, M/s. Beauty Green Farms AP Pvt. Ltd., is represented by its Managing Director. It is the absolute owner of the land in survey nos. 86 and 87 situate at Sultanpally village of Shamshabad Revenue Mandal in Rangareddy district. The total extent of the land admeasures Acs:22-23 guntas, which the petitioner purchased under registered sale deed for valid sale consideration and is in possession since 21-7-2000. Thereafter obtained layout permission from the Gram Panchayat, Sultanpally vide permission no.2/2000, dated 26-7-2000. After obtaining permission and layout the petitioner got the above land registered in its favour. Further the petitioner applied for mutation of its name to the Mandal Revenue Officer, Shamshabad on 08-2-2005 for incorporating its name against the said survey numbers and also to delete the existing names of Mr.E.Bhaskar Reddy and Mr.E.Gangireddy. Thereupon, the second respondent after conducting enquiry, called for the objections from the interested persons by issuing Form NO.VIII and issued proceedings on 08-2-2005 under section 4 and 5 of the ROR Act, 1971 and the Amendment Act-I of 1999 in favour of the petitioner by carrying out the names in the pahanies for the year 2003-2004 with necessary amendments and by amending the ROR register of Sultanpally village, since no objections have been received within the stipulated time.

The petitioner further submits that survey nos.86 and 87 were shown against survey nos. 34 and 35 (old survey numbers) and the above said land was in possession of different persons since 1955. But at the time of purchase of the above said land by the petitioner, the vendors of the petitioner, namely, Mr.E.Bhaskar Reddy and

Mr.E.Gangireddy were shown, as owners and also in possession over the past twenty years. Moreover, the pattedar passbook was issued in the name of Mr.E.Bhaskar Reddy and Mr.E.Gangireddy.

While things stood thus, the second respondent visited the land of the petitioner on 10-7-2005 and threatened that the petitioner will be dispossessed from the said land, as notice was issued to the owners on 20-6-2005 and started that certain persons belonging to the legal heirs of protected tenant has applied for restoration of popssession and to that effect a notice was given to the owners and since there is no response, the petitioner will be summarily evicted and dispossessed from the schedule land.

The learned counsel for the petitioner submitted that the above facts were brought to the notice of the second respondent and that in the absence of cancelling the above mutation order, the second respondent is barred from taking any action against the petitioner. Even assuming that as per the provisions of AP Telangana Area (Tenancy & Agricultural Lands) Act, 1950 a person is deemed to be a protected tenant only if he is in continuous possession for a period of not less than six years and simultaneously cultivating the land for the said period and moreover the second respondent consciously ignores the aforesaid basic ingredient.

The learned counsel for the petitioner seeks to contend that if the second respondent wants to take any action against the petitioner, it can only be done by following due process of law and issuance of notice to the petitioner. Therefore, without following the relevant rules as mentioned under the ROR Act, the action of

the second respondent is susceptible to arbitrariness, vindictiveness, apart from violation of the principles of natural justice. It is beyond cavil of doubt that even an unauthorized person cannot be evicted summarily without following due process of law.

The learned Govt.Pleader for the respondents vehemently contended that the petitioner filed this writ petition with an apprehension that the respondents are interfering with the peaceful possession and enjoyment of the petitioner over the land in an extent of Acs:22-23 guntas situate in survey no.86 and 87 of Sultanpalli village of Shamshabad Revenue Mandal, Rangareddy district, without following due process of law.

After hearing the learned counsel for the petitioner as well as the learned Govt.Pleader for Revenue, I am not able to appreciate the contentions raised by the learned counsel for the petitioner. The writ petition is filed merely on apprehension and the contentions raised in this writ petition do not show any arbitrariness or vindictiveness on the part of the respondents. However, the respondents are directed to follow due process of law if they propose to contemplate any action in respect of the land in question.

In the result, the writ petition is accordingly disposed of. No costs.

JULY 27th, 2005. -----

Isl. ELIPE DHARMA RAO , J.